

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 4, 2004

H027059 PEOPLE v. BALDWIN

The judgment is ordered modified to give defendant credit for 338 days of actual custody plus 168 days of conduct credit under section 4019, for a total of 506 days. The superior court is ordered to amend the abstract of judgment accordingly and to send a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed October 4, 2004

H026833 PEOPLE v. ROBINSON

The judgment is modified by striking the \$2,000 attorney's fees order. As so modified, the judgment is affirmed.

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.*)

Filed October 4, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026296 PEOPLE v. MENDOZA

By the Court:

On the court's own motion, the submission order in this matter dated July 8, 2004 is hereby vacated to permit further consideration of the issues raised on appeal. The matter is hereby ordered resubmitted.

Dated: October 4, 2004 Rushing, P.J.

H027163 PEOPLE v. PETER H.

The order is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 4, 2004

H027085 IN RE ERIKKA D., et al.; DFCS v. KATRINA D.

The orders are affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 4, 2004

Sixth Appellate District

San Jose, California

Monday, October 4, 2004 (continued)

H027231 PEOPLE v. SUAREZ

The judgment is affirmed. (not published)
(Walsh, J.*; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed October 4, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027310 PEOPLE v. LEAHY

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.*)

Filed October 4, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

TUESDAY, OCTOBER 5, 2004

H026943 PEOPLE v. SANDOVAL

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 5, 2004

WEDNESDAY, OCTOBER 6, 2004

H027340 PEOPLE v. TORRES

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 6, 2004

H026484 PEOPLE v. DICKERSON

The judgment is affirmed. (published)
(Walsh, J.*; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed October 6, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

Wednesday, October 6, 2004 (continued)

H025809 PEOPLE v. SHELTON

The judgment is affirmed. (not published)
(Elia, Acting P.J.; I concur: Bamattre-Manoukian, J., Concurring
Opinion by McAdams, J.)
Filed October 6, 2004

H027440 JORGENSEN v. SUPERIOR COURT; THE PEOPLE

Let a peremptory writ of mandate issue directing the
appellate division of respondent court to recall its remittitur,
to permit appellant Melford Bennett Jorgensen to file a statement
on appeal and the reporter's transcript on appeal, and to decide
the appeal on the merits. This opinion is made final immediately
as to this court. (Cal. Rules of Court, rule 24(b)(3).) The
order staying Jorgensen's confinement shall remain in effect
until the appeal is finally determined. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)
Filed October 6, 2004

H026428 YAQUB v. SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM, et
al.

By the Court*:

Respondents' petition for rehearing is denied.
Filed: October 6, 2004
*Before Rushing, P.J., Premo, J. and Elia, J.

THURSDAY, OCTOBER 7, 2004

H025857 PEOPLE v. SLATER

(Filed order modifying opinion.) There is no change in the
judgment. The petition for rehearing is denied. (not published)
(McAdams, J.; Bamattre-Manoukian, Acting P.J.; Mihara, J.)
Filed October 7, 2004

Sixth Appellate District

San Jose, California

Thursday, October 7, 2004 (continued)

H027028 PEOPLE v. COOK

H026876 COOK on Habeas Corpus

The order denying defendant's coram nobis petition is reversed. The case is remanded for a hearing to determine whether the original plea agreement contemplated a consecutive four-year term. Defendant is entitled to be present and represented by counsel at this hearing. In light of this resolution of the appeal, the petition for habeas corpus, which asserts the same issues, is dismissed as moot. (not published) (Walsh, J.*; We concur: Rushing, P.J., McAdams, J.)

Filed October 7, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025444 PEOPLE v. OLIVER

The Penal code section 288, subdivision (b) conviction shall be modified to reflect a conviction of the lesser included offense of violation Penal Code section 288, subdivision (a). We remand the cause to the trial court for a new sentencing hearing; at which defendant may make a motion to strike one or more of the prior strikes. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 7, 2004

H026853 PEOPLE v. HERNANDEZ

The judgment is hereby modified to reduce the restitution fund fine from \$10,000 to \$200 and to reduce the \$10,000 suspended parole revocation fine to the same amount. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy of the amended abstract to the Department of Corrections. The modified judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 7, 2004

H026459 GHADERI v. CITY OF SAN JOSE

The orders appealed from are affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Elia, J.)

Filed October 7, 2004

Sixth Appellate District

San Jose, California

Thursday, October 7, 2004 (continued)

H026166 PEOPLE v. CAUDILLO

The judgment is affirmed. (published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.*)

Filed October 7, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026590 PEOPLE v. MORALES

The judgment is reversed. We remand the matter with directions to the trial court to rule on defendant's section 17, subdivision (b) motion. If the trial court denies the motion, it shall reinstate the judgment. If it grants the motion, it shall resentence defendant. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed October 7, 2004

H027320 PEOPLE v. VALERIE M.

The probation conditions at issue are modified to state the following: "Do not knowingly use, or possess any dangerous or deadly weapons" and "Do not knowingly remain in any building, vehicle, or the presence of any person where dangerous or deadly weapons exist." As so modified, the dispositional order in this case is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Elia, J.)

Filed October 7, 2004

FRIDAY, OCTOBER 8, 2004

H026358 PEOPLE v. GHOLSTON

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 8, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.